

NEBRASKA BOARD OF MEDICINE AND SURGERY

**MEETING MINUTES
January 27, 2023**

ROLL CALL

The meeting of the Board of Medicine and Surgery was called to order by Chairperson, Jodanne Hedrick, DO, at 9:05 a.m. on December 9, 2022, at the Hampton Inn & Suites, 7343 Husker Circle, Lincoln, Nebraska 68504. The meeting was conducted In-Person and by WebEx. The following members answered the roll call:

Jodanne Hedrick, DO, Chairperson
Rachel Blake, MD, Secretary
John Massey, MD
Maria Michaelis, MD
Jeffrey Howorth
Adam Kuenning, JD, LLM

Absent: Brian Keegan, MD, Vice-Chairperson
Mark Goodman, MD

A quorum was present, and the meeting convened.

Also present to participate in the meeting: Jesse Cushman, Program Manager, Jan Gadenken-Harris, Health Licensing Coordinator, with the Licensure Unit; Mindy Lester, Assistant Attorney General and Jeanne Burke, Assistant Attorney General; Carla Cue, Kathleen Krueger, Mark Meyerson and Jeff Newman, Investigators with the Investigation Unit and Teresa Hampton Department Attorney via WebEx.

Dr. Hedrick announced that there is a copy of all the public documents being reviewed at this meeting available in the meeting room pursuant to the Open Meetings Act.

In accordance with Neb. Rev. Stat. § 84-1411 of the Nebraska Open Meetings Act, copies of the agenda were e-mailed to the Board members and other interested parties, posted on the DHHS web site at <https://dhhs.ne.gov/licensure/Pages/Agendas-and-Minutes.aspx> and posted in the Licensure Unit on January 13, 2023 and revision posted on January 25, 2023.

REVIEW OF AGENDA

Howorth moved, seconded by Massey to approve adoption of the agenda with the Chair having the authority to rearrange agenda items as needed. Voting aye: Blake, Hedrick, Howorth, Kuenning, Massey and Michaelis. Voting nay: None. Absent: Goodman and Keegan. Abstain: None. Motion carried.

Additions, Modification, Reordering

The Board requested the following applications to be removed from the Application Review Consent Agenda:

Atun, Victor, MD – Initial Application
Sawma, Vincent, Jr., MD – Initial Application
Nesmith, Carey, MD – Reinstatement after Discipline Application

Howorth moved, seconded by Michaelis to approve adoption of the Pharmaceutical Care Agreements Consent Agenda. Voting aye: Blake, Hedrick, Howorth, Kuenning, Massey and Michaelis. Voting nay: None. Absent: Goodman and Keegan. Abstain: None. Motion carried.

2023 LEGISLATION UPDATES

Amy Reynoldson, Executive Vice President and Paul Henderson, Vice President, Advocacy & Regulation; In-house Counsel with the NMA (Nebraska Medical Association) were present to discuss and provide updates to the Board.

The 108th Legislature, First Regular Session convened January 4, 2023. 820 Legislative Bills were introduced and the NMA discussed the following Legislative Bills with the Board:

- LB16 Require occupational boards to issue certain credentials based on credentials or work experience in another jurisdiction and make a determination regarding an applicant with a criminal conviction, provide for jurisprudential examinations and appeals from denial of a license, and change requirements for membership of the State Electrical Board
Referred to Government, Military and Veterans Affairs Committee
The NMA opposes this bill as written
To learn more about LB16 go to: <https://nebraskalegislature.gov/FloorDocs/108/PDF/Intro/LB16.pdf>
- LB68 Increase limits on medical malpractice liability and change provisions of the Nebraska Hospital-Medical Liability Act
Referred to Banking, Commerce and Insurance Committee
The NMA supports this bill as written
A Hearing is scheduled for January 30, 2023
To learn more about LB68 go to: <https://nebraskalegislature.gov/FloorDocs/108/PDF/Intro/LB68.pdf>
- LB181 Provide for filling and refilling prescriptions in certain circumstances
Referred to Health and Human Services Committee
The NMA opposes this bill as written
Massey moved and seconded by Michaelis to have a letter drafted and approved by the Board of Medicine and Surgery in opposition to LB181 and have it submitted to the Legislature prior to the Hearing scheduled for February 1, 2023. Voting aye: Blake, Hedrick, Howorth, Kuenning, Massey and Michaelis. Voting nay: None. Absent: Goodman and Keegan. Abstain: None. Motion carried.
To learn more about LB181 go to: <https://nebraskalegislature.gov/FloorDocs/108/PDF/Intro/LB181.pdf>
- LB286 Provide for confidentiality of a physician wellness program under the Uniform Credentialing Act
Referred to Health and Human Services Committee
The NMA supports this bill as written
A Hearing is scheduled for February 9, 2023
To learn more about LB286 go to: <https://nebraskalegislature.gov/FloorDocs/108/PDF/Intro/LB286.pdf>
- LB351 Increase and eliminate limits on medical malpractice liability and change provisions relating to proof of financial responsibility and the Excess Liability Fund
Referred to Judiciary Committee
The NMA opposes this bill as written
To learn more about LB351 go to: <https://nebraskalegislature.gov/FloorDocs/108/PDF/Intro/LB351.pdf>
- LB422 Exempt certain activities from disciplinary action under the Uniform Credentialing Act
Referred to Health and Human Services Committee
The NMA opposes this bill as written
To learn more about LB422 go to: <https://nebraskalegislature.gov/FloorDocs/108/PDF/Intro/LB422.pdf>
- LB626 Adopt the Nebraska Heartbeat Act
Referred to Health and Human Services Committee
The NMA opposes this bill as written
To learn more about LB422 go to: <https://nebraskalegislature.gov/FloorDocs/108/PDF/Intro/LB626.pdf>

REGULATIONS UPDATE

Title 172 Chapter 90 Licensure and Supervision of Physician Assistants proposed draft revisions regarding the passage of LB390 Reciprocity were reviewed by the Board. Kuenning moved, seconded by Blake to approve the proposed draft regulations as written. Voting aye: Blake, Hedrick, Howorth, Kuenning, Massey and Michaelis. Voting nay: None. Absent: Goodman and Keegan. Abstain: None. Motion carried.

MATERNAL DEPRESSION SCREENING

At the January meeting the Board heard a presentation by Sydnie Carraher, APRN-NP, Program Administrator NPQIC (The Nebraska Perinatal Quality Improvement Collaborative) and Sara Howard, J.D., Policy Associate, First Five Nebraska regarding “maternal depression screening” and the Legislative Bill 905 from the last session, which was passed into law as Nebraska Revised Statute 38-2064 effective July 21, 2022:

<https://nebraskalegislature.gov/laws/statutes.php?statute=38-2064>

The Purpose is to Authorize the Board of Medicine and Surgery to work with accredited hospitals and licensed health care professionals to create policies to facilitate perinatal mental health screening.

At the January meeting the Board voted to develop a draft “Letter of Support” to be reviewed and approved by the Board at their next Board meeting to submit to the Legislature.

The proposed draft letter was reviewed by the Board. Kuenning moved, seconded by Blake to approve the “Letter of Support”. Voting aye: Blake, Hedrick, Howorth, Kuenning, Massey and Michaelis. Voting nay: None. Absent: Goodman and Keegan. Abstain: None. Motion carried.

ADVOCATE FOR A PHYSICIAN HEALTH PROGRAM (PHP)

The Board held discussions at the January meeting regarding the development of a PHP for Nebraska.

Support needs to be established and model language needs to be proposed for a legislative bill and sponsorship to move forward with this initiative.

The Board voted to support the formation of a Nebraska PHP and to draft a “Letter of Support” to be reviewed and approved by the Board at their next meeting.

The proposed draft letter was reviewed by the Board. Massey moved, seconded by Blake to approve the “Letter of Support”. Voting aye: Blake, Hedrick, Howorth, Kuenning, Massey and Michaelis. Voting nay: None. Absent: Goodman and Keegan. Abstain: None. Motion carried.

BRIDGE TO MENTAL HEALTH

Dr. John Mitchell, Dr. Bill Lydiatt and Dr. Rodney Markin were present at the meeting to discuss with the Board “Bridge to Mental Health” a Nebraska mental health workforce expansion project. The presentation was the following:

This workforce expansion project will analyze, document, and communicate all aspects of considering, recommending, and implementing the creation of clinical resources proposed as a Bridge to Mental Health for patients experiencing mild to moderate depression and anxiety.

Bridge to Mental Health would offer additional mental health training to primary care and specialist providers to diminish workforce shortages until a transition to psychiatric specialty services can be achieved when necessary or avoided altogether when possible.

This proposal aims to establish access to effective, competent resources for patients experiencing mental health challenges in the absence of an available psychiatrist psychologist or social services.

In the State of Nebraska depression and anxiety exist in strikingly high rates among the poor, low income and young people. Suicidal ideation is also trending up in Nebraska. Access to mental health providers is a problem as is just in time care.

This workforce expansion project proposes a novel pilot to train primary care and specialist physicians and advanced practitioners.

The project's goal is to expand the training these providers already have and update their current knowledge. This will increase their diagnostic and therapeutic skills to help manage and provide early intervention to those who otherwise cannot gain access to mental health care.

Focused education will assist providers in mitigating the crisis of access by initiating early mental health treatment in areas where patients and the public already come for care.

The goal is to deliver enhanced training through a two-day seminar, supplemented with ongoing support from psychiatrists from Massachusetts General Hospital, and continued education through online and virtual offerings from Behavioral Health Education Center of Nebraska (BHECN) and local psychiatry training programs.

Access to additional sessions, the Massachusetts General Hospital Psychiatric Pharmacology library, and personal mentorship will follow this education.

This initiative will be seeking grant funding to obtain financial resources needed to complete education and conduct three cohorts of education for 10-15 providers.

To test the hypothesis that some practicing providers would seek additional training and determine the benefit of physicians addressing mild to moderate depression and anxiety, the project would:

- Conduct qualitative interview and survey as well as obtain pre and post-training findings to quantify the level of comfort and competence with managing these patients.
- Determine patient satisfaction by conducting pre and post treatment survey.

APPROVAL OF MINUTES OF THE MEETING

Michaelis moved, seconded by Blake to approve the minutes for December 9, 2022, as presented. Voting aye: Blake, Hedrick, Howorth, Kuenning, Massey and Michaelis. Voting nay: None. Absent: Goodman and Keegan. Abstain: None. Motion carried.

INVESTIGATIONAL REPORTS, DISCIPLINARY REPORTS, APPLICATION REVIEW – CLOSED SESSION

Kuenning moved, seconded by Michaelis, to go into closed session at 10:40 a.m. for the purpose of review and discussion of investigative reports, disciplinary reports, licensure applications, and other confidential information, and for the prevention of needless injury to the reputation of the individuals. Voting aye: Blake, Hedrick, Howorth, Kuenning, Massey and Michaelis. Voting nay: None. Absent: Goodman and Keegan. Abstain: None. Motion carried.

The Board members returned to Open Session at 12:16 p.m.

APPLICATION REVIEW – OPEN SESSION

BOARD RECOMMENDATIONS ON APPLICATIONS FOR LICENSURE AND REGISTRATION

Physician and Osteopathic Physician Initial Application(s) (2)

ATUN, VICTOR, MD – application for Initial license to practice medicine and surgery. Massey moved, seconded by Howorth, to recommend approval of the application to practice medicine and surgery. Voting aye: Blake, Hedrick, Howorth, Kuenning, Massey and Michaelis. Voting nay: None. Absent: Goodman and Keegan. Abstain: None. Motion carried.

SAWMA, VINCENT, JR., MD – application for Initial license to practice medicine and surgery. Michaelis moved, seconded by Howorth, to recommend approval of the application to practice medicine and surgery. Voting aye: Blake, Hedrick, Howorth, Kuenning, Massey and Michaelis. Voting nay: None. Absent: Goodman and Keegan. Abstain: None. Motion carried.

Physician and Osteopathic Physician Reinstatement After Discipline Application(s) (1)

NESMITH, CAREY, MD – application for Reinstatement After Discipline of license to practice medicine and surgery. Massey moved, seconded by Howorth, to table the application for additional information. Voting aye: Blake, Hedrick, Howorth, Kuenning, Massey and Michaelis. Voting nay: None. Absent: Goodman and Keegan. Abstain: None. Motion carried.

PHYSICIAN ASSISTANT LICENSURE COMPACT

IMLC (Interstate Medical Licensure Compact) is submitting a proposal to administrate/manage a Physician Assistant Licensure Compact. Nebraska does not have legislation submitted regarding a PA Compact for the current legislative session, so a PA Licensure Compact is preliminary at this point.

FEDERATION OF STATE MEDICAL BOARDS (FSMB) ANNUAL MEETING

The FSMB meeting is scheduled to be held in Minneapolis, MN May 3-6, 2023. The Board members will review their personal schedules and decide if they will be able to attend the meeting. The Board will make the decision at the February meeting who will attend and who will represent the Board as the Voting Delegate.

DEPARTMENT UPDATES ON NATIONAL ORGANIZATION PROGRAMS

IMLC – will be holding an Executive Director’s meeting on January 30, 2023 in Texas. Jesse is on the Executive Committee and will be attending virtually. Dr. Michaelis is on the Communication Committee. Discussions will be centered on working on improving the licensure process with feedback from several surveys. This meeting will be a joint meeting with AIM (Administrators In Medicine), which Jesse is the Central Regional Representative.

DESIGNATION OF THE METHOD BY WHICH THIS BODY WILL GIVE PUBLIC NOTICE OF ITS MEETINGS

Gadeken-Harris explained that the Board needs to inform the public each year the method by which the Board will provide notice of their meetings. In the past, the Board had chosen to post meeting agendas on the Bulletin Board at the Nebraska State Office Building, to e-mail agendas to the interested parties list, and to post agendas on the Department’s website. Massey moved, seconded by Blake, to continue the same method that the Department has been using to provide public notice of this Board’s meetings by posting meeting agendas at the Nebraska State Office Building, by e-mailing agendas to the interested parties list, and by posting agendas on the Department’s website. Voting aye: Blake, Hedrick, Howorth, Massey and Michaelis. Voting nay: None. Absent: Goodman, Keegan and Kuenning. Abstain: None. Motion carried.

ELECTION OF OFFICERS

Massey moved, seconded by Howorth to elect new officers for 2023 as follows:

Chairperson: Brian J. Keegan, MD

Vice-Chairperson: Rachel A. Blake, MD

Secretary: Adam Kuenning, JD, LLM

Investigation Consultant: Jodanne W. Hedrick, DO

Medical Board Member representative for the Physician Assistant Committee: Rachel A. Blake, MD

Voting aye: Blake, Hedrick, Howorth, Massey and Michaelis. Voting nay: None. Absent: Goodman, Keegan and Kuenning. Abstain: None. Motion carried.

BOARD MEETING SCHEDULE

The next meeting is scheduled for February 24, 2023, in the Husker Conference Room at the Hampton Inn & Suites. To see a complete list of the projected schedule, visit the DHHS website:

<https://dhhs.ne.gov/licensure/Pages/Agendas-and-Minutes.aspx>

ADJOURNMENT

There being no further business, Hedrick, Chairperson adjourned the meeting at 12:30 p.m.

Respectfully submitted,

signature available upon request

Rachel Blake, MD, Secretary
Board of Medicine and Surgery